

THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF CAMPAIGN & POLITICAL FINANCE

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MARY F. MCTIGUE
DIRECTOR

August 12, 1992
AO-92-19

Mr. Philip F. Grenier
2 Putnam Road
Ipswich, MA 01938

Re: Public Employee Fundraising

Dear Mr. Grenier:

This letter is in response to your May 26, 1992, letter requesting an advisory opinion regarding the applicability of M.G.L. c.55, s.13 to your selling tickets to the Ipswich Republican Town Committee's (hereinafter "Committee") Founder's Day Banquet (hereinafter "Banquet").

You have stated that for the past several years the Committee has hosted the Banquet. The Banquet's purpose is to commemorate the founding of the Republican Party, and in addition, it provides an opportunity to recognize a local Republican activist. You also state that the Banquet is not organized as a fundraiser, although, after expenses, the Committee has a net surplus.

You have further stated that you are a "public employee"¹ and have asked two questions. Specifically, you ask if you are precluded from selling tickets to the Banquet and, if not, whether you may send out invitations via the Committee which contain the notation "For ticket(s) and/or information contact: IRTC Founder's Day Banquet Committee" along with your address and telephone number.

M.G.L. c.55, s.13 provides, in pertinent part, that:

No person employed for compensation, other than an elected officer, by the commonwealth or any county, city or town

1. You have not stated what position you hold or whether you are employed for compensation. This opinion assumes that you are employed for compensation by the commonwealth, one of its subdivisions or other state or local agency or commission. In this opinion, the phrase "public employee" will refer to such a person.

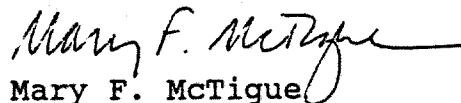
shall directly or indirectly solicit or receive any gift, payment, contribution, assessment, subscription or promise of money or other thing of value for the political campaign purposes of any candidate for public office or of any political committee, or for any political purposes whatever. . . (emphasis added).

As a public employee, you are a person "employed for compensation" and, therefore, you would be subject to the prohibition against solicitation and receipt set forth in section 13. In addition, it is this Office's opinion that the Banquet's purpose is a political whether or not the Banquet is "organized as a fund raiser."² As you state, the Banquet's main purposes are "to commemorate the founding of the Republican Party" and to recognize "a local Republican activist." These are inherently political activities and purposes. Therefore, it is the opinion of this Office that you would be prohibited by the terms of section 13 from selling tickets to the Banquet. In addition, your participation in the sale of such tickets by sending out invitations and giving your address and phone number to prospective purchasers would also be prohibited by section 13 since such action would constitute an indirect solicitation, if not a direct solicitation, by a public employee. Therefore, it is the opinion of this Office that you should refrain from such activity.

In addition to M.G.L. c.55, s.13, you should also be aware of certain other provisions of the campaign finance laws which include both restrictions and protections relating to public employees. These are set forth in the enclosed "Guide To Political Activity For State County And Municipal Employees" published by this Office.

This opinion has been based solely upon the representations set forth in your letter and solely within the context of M.G.L. c.55. Please do not hesitate to contact this Office should you have further questions regarding this or any other campaign finance matter.

Very truly yours,


Mary F. McTigue
Director

2. Whether the main or primary purpose of the Banquet is to raise money or not, it is still a fundraising activity. Tickets are sold and the Committee raises funds. Even if an event is financially unsuccessful and loses money, this Office would consider it a fundraising event if tickets are purchased and payments are made to the Committee.